IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. NO.4868 of 2004
DATE OF DECISION: 30.11.2006

Munshi Ram

.....Petitioner

versus

Commissioner, Ferozepur Division, Ferozepur and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA
HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Mr.K.R. Dhawan, Advocate for the petitioner

Mr.C.M. Munjal, Sr. Addl. AG, Punjab

Mr.A.P. Kaushal, Advocate for
Mr.N.P.S. Mann, Advocate for respondent No.2

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JUDGMENT:

The petitioner has impugned the orders Annexures P/8 and P/9 by which his application under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the Act') was dismissed.

The petitioner filed a petition under Section 11 of the Act claiming ownership over the suit land measuring 1 kanal situated in the revenue estate of Village Nasirpur Janian, Tehsil and District Moga. The Collector vide order Annexure P-8 found that the land had been mutated in favour of the Gram Panchayat and the petitioner failed to challenge the said mutation for the last more than 30 to 35 years. In fact, in the

revenue record, the land has continuously been shown to be the ownership of the Gram Panchayat. The findings of the Collector have been upheld by the Commissioner, Ferozepur Division, Ferozepur, vide order Annexure P-9.

Counsel for the petitioner contends that the land in dispute belongs to the proprietors and petitioner is a shareholder. It is submitted that the land was never used for any common purposes and it vests in the mustarka malkan. Counsel for the petitioner has relied on the jamabandi-Annexure P-4 to contend that the land is being used for manure-pit and as such, the land cannot vest in the Gram Panchayat.

A perusal of the impugned orders shows that mutation with regard to land in dispute was sanctioned in favour of the Gram Panchayat in the year 1965 and since then the Gram Panchayat has continued to be shown in the column of ownership. No document has been placed by the petitioner on record to show that he is the owner of the suit land.

In view of the above, we find no infirmity in the orders Annexures P-8 and P/9 and accordingly, the writ petition is dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

November 30, 2006
pc

(NIRMAL YADAV)
JUDGE